

XIII. Section 75 (a), Forest Officers.**XIII. SECTION 75 (a), POSITION, POWERS AND FUNCTIONS OF FOREST OFFICERS.****A. Position.**

323. The object of binding together as closely as possible the Revenue and Forest Administrations in the Bonbay Presidency is General position of most desirable and should steadily be kept in view. Forest Officers. But it is equally important that the responsibility of the Conservators, each in his own division, should be clearly defined. The Conservators should be kept regularly informed of all orders issued on forest matters in their divisions by Government, the Commissioners and Collectors ; they should be made acquainted with all business that passes between Collectors and Divisional Forest Officers ; and as a rule they should be consulted on all forest business that comes before Government or the Commissioner.*

324. The great thing is to ensure unanimity of feeling and action between Revenue and Forest Officers. If this is once secured, Position of Conservator. forests will be properly conserved, the legitimate wants of the people will be met, and discontent will be reduced to insignificant proportions. The Commissioner is the superior officer of both the Collector and the Conservator, and he is, after due consultation with the Collectors and Forest Officers, to make definite proposals for the amelioration of any defects in forest affairs which may be brought to his notice.†

The guiding principle is that Forest Administration is a branch of General Administration and that responsibilities for a wise and efficient management of forests rests as much with the Collectors and their Assistants as with the officers of the Forest Department.‡

325. It must be understood that the position of Divisional Forest Officer is, Position of Divisional Forest Officer. in all but purely technical matters, that of Assistants to the Collectors for forest purposes, and that their subordination to the Collector is no less than that of District Superintendents of Police to District Magistrates. It will, of course, be open to the Forest Officers to move the Collectors to issue such orders as occasion may demand, but the orders when issued must be the Collector's own orders and be communicated as such to the people concerned through the Mámlatdárs and Village Officers. Should a Collector refuse to issue any order which may be

* Government of India, Public Works Department, No. 637-F, dated 21st October 1870, *vide* Government Resolution No. 5460, dated 8th November 1870.

† Government Resolution No. 1840, dated 5th April 1879.

‡ Government Resolution No. 2448, dated 8th April 1890.

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A. POSITION—*continued.*

considered necessary by the Forest Department, the question may be referred by the Conservator to the Commissioner, but in no cases should the Conservator or Divisional Forest Officers themselves issue any orders of the nature referred to, i.e., local supply, local privileges and closure, except closure of coupes recently felled according to sanctioned Working Plans.*

326. Orders of Government under section 75 of the Indian Forest Act, VII of 1878.

(1) Forest Administration, as a branch of Land Revenue Administration, is

Position of Commissioners. under the Chief Controlling authority which, by section 4 of the Bombay Land Revenue Code, 1879, is vested in the Commissioners, subject to the Governor in Council.

All Forest Officers, as well as Revenue Officers, who are concerned in the management of forests are therefore subject in all matters relating to Forest Administration to the Commissioner.

326a. (2) The Collector of each forest district, in subordination to the

Collector's position in regard to forests and position of Divisional Forest Officers to Collectors. responsible for the due management of the forests therein; and for this purpose all Forest Officers within the district shall be subject to the orders of the Collector. Divisional Forest Officers will be Assistants to the

Collector for forest purposes. All Divisional Forest Officers and their subordinates shall, in all but purely technical matters, be subordinate to the Collector of the district in which they are serving.

326b. (3) The duties and powers of Assistant and Deputy Collectors in charge of the talukas in respect to forest matters shall

Position of Assistant and Deputy Collectors in regard to forest. be regulated by the same provisions which are laid down in section 10 of the Bombay Land Revenue Code, 1878, in respect to revenue administration generally.

326c. (4) Subject to the other provisions of these rules each Conservator of Forests, in his own circle or Deputy Conservator in

Position of Conservators in technical matters. independent charge of a circle is invested with the direction of all professional operations of technical forestry.

326d. (5) Except in so far as is otherwise directed in rules or orders of

Position of Conservator with regard to Forest Officers in his circle. Government, the departmental control of all Forest Officers in a circle vests in the Conservator of Forests of that circle or in that of the Deputy Conservator in independent charge of a circle.

* Government Resolution No. 650, dated 26th January 1891.

XIII. Section 75 (a), Forest Officers.**A. POSITION—*continued.***

**Limitation of powers of
Divisional Forest Officers
in posting Subordinates.**

326e. (6) The Divisional Forest Officers shall, in the posting and distribution of the Subordinates of the Forest Establishment, comply with any orders they may receive from the Collector.

326f. (7) In all matters relating to local supply [including that of grass and grazing]* or the rights and privileges of the people in respect of forests, orders shall be issued by the Collector alone, and not by a Forest Officer and such orders shall be communicated to those concerned through the ordinary revenue channels. [Read section 325, Standing Orders, Forests.]

326g. (8) This rule applies also to pasture and fodder reserves, the management and control of which is vested exclusively in the Collector, subject to the orders of the Commissioner and of Government, and with respect to which the Conservator of Forests is to act in the capacity of consultative officer only, advising and giving his opinion on all questions of a professional or technical character referred to him by any of the said authorities.

326h. (9) No forest compartment shall be closed, whether for planting or reboisement or for punitive purposes, except under the orders or with the approval of the Collector. This rule does not apply to the closure of compartments which have been recently felled in strict accordance with a duly sanctioned working-plan.

326i. (10) Subject to any instructions which may be given by the Commissioner; orders issued by a Conservator to any Divisional Forest Officer and correspondence † between the Conservator and any such officer shall be forwarded through the Collector, who will record such remarks thereon or, in matters other than such as are described in Rule 4, give such directions with regard thereto as he thinks fit.

In the event of a difference between the Collector and Conservator of Forests, either officer may refer the matter to the Commissioner, who will dispose of the reference himself, or if he thinks necessary obtain the orders of Government.

Appeal when the Collector and Conservator disagree on any point.

326j. (11) In matters relating to departmental finance or to appointments, transfers or leave of establishment in which the orders of Government are required, a Conservator may report to Government direct.‡

For Rules 12 to 28 of the above Government Resolution read sections 358, 382 to 387, Standing Orders, Forests.

* Government Resolution No. 8999, dated 15th November 1892.

† Government Resolution No. 496, dated 21st January 1895.

‡ Government Resolution No. 7197, dated 6th September 1892.

XIII. Section 75 (a), Forest Officers.**A. POSITION—concluded.**

The term "departmental finance" used in Government Resolution No. 7107, dated 6th September 1892, should be understood as including only matters relating to forest accounts and purely account transactions.*

Definition of the term "departmental finance."

327. It should be

Powers of Collector to order an investigation into misconduct of Forest Officials.

distinctly understood that the Collector and Magistrate has the same power at all times to order an investigation into alleged misconduct on the part of Forest Officials, as he has in the case of Police, and Revenue establishment, and he can entrust the enquiry to any District Officer whom he may select.†

328. When a Mahálkari or Chief Constable or any Revenue or Police Officer of higher rank camps in the limits of a forest village, or "in the limits of a forest beat or round" the Forest Guard shall report himself to such officers and bring his diary with him for inspection. The Forest Guard need not report himself more than once to the same officer in one season, but should present himself on other occasions if sent for.

When an officer named above inspects forests in charge of a Beat Guard, the Guard should, if possible, attend such officer on his visit.‡

B. Powers.**i. Powers under the Forest Act, VII of 1878, as modified up to the 1st July 1890.**

Powers of Conservators and Deputy Conservators in charge of Circles under the Forest Act.

Powers of Conservators, Deputy, Assistant, Extra-Deputy and Extra-Assistant Conservators under the Forest Act.

331. Rangers and

Powers of Rangers and Foresters.

Powers of Conservators and Deputy Conservators in charge of Circles and all Divisional Forest Officers.

329. The Conservators and Deputy Conservators in charge of Circles are delegated powers under section 16 of the Indian Forest Act, No. VII of 1878.§

330. Conservators, Deputy, Assistant, Extra-Deputy|| and Extra-Assistant Conservators are delegated powers under sections 20, 46, 55, 56, 67 and 71 of the Indian Forest Act, No. VII of 1878.§

Foresters in charge of Ranges are delegated powers under sections 55 and 56 of the Indian Forest Act, No. VII of 1878.§

332. Conservators, Deputy Conservators in charge of Circles and all Divisional Forest Officers are delegated powers under sections 24, 25 (c), 33, 36, 37, 38, 47, 50, 60 and 82 of the Indian Forest Act, No. VII of 1878.§

* Government Resolution No. 805, dated 28th January 1893.

† Government Resolution No. 650, dated 26th January 1891.

‡ Government Resolution No. 7107, dated 6th September 1892.

§ Government Resolution No. 21, dated 6th January 1903.

|| Government Notification No. 1152, dated 19th February 1903.